

Instructions for Applying for a Special Permit, Variance, or Appealing a Decision of the Village Manager

Important Note: Maryland law regarding ex parte (outside the record) communications requires that all discussion, review and consideration of such matters take place only during the Board of Managers' public hearing. Telephone calls and meetings with Board members in advance of the hearing are strictly prohibited. Written communications should be directed to appropriate staff members for response.

Filing Requirements: Data to Accompany All Applications and Appeals

At the time of its filing, each application for a special permit or variance, and each appeal of a decision of the Village Manager, must be accompanied by the items listed below. Incomplete applications or appeal packets cannot be accepted and may delay consideration until the next Board of Managers meeting.

1. A completed Building Permit Application, or Tree Removal Permit Application.
2. A completed Variance Application, Special Permit Application, or Statement of Appeal for a Tree Removal Permit. These application forms are available in the Village office and on the Village website (www.chevy ChaseVillageMD.gov). (In cases where none of the above apply, a statement to the Board as described in #3 below will suffice.)
3. A statement addressed to the Board of Managers setting forth the basis for the application or appeal:
 - A statement in support of a special permit should set forth all relevant facts and explain how the proposed construction satisfies each of the requirements of Village Code Section 8-11(b).
 - A statement in support of an application for a variance should set forth all relevant facts and explain how the proposed construction satisfies the requirements of Village Code Section 8-11(c).
 - For an appeal of a decision by the Village Manager, a statement by the applicant in support of the materials may be helpful to the Board in reaching its decision.
4. A certified copy of a house location survey (plat diagram) showing the location of all existing and proposed structures and the distances of all proposed construction from all applicable property lines. (A copy of the plat diagram is usually given to new home owners at settlement.) For swimming pools, measurements of the interior dimensions of the pool and all dimensions of any deck must be shown on the plat diagram. For new or replacement fences, the fence location must be shown on the plat diagram.

5. If a property has any trees with a trunk measuring at least twenty-four inches (24') in circumference at four and one-half feet (4½') above ground level that could possibly be disturbed during the proposed construction, those trees must be noted on the plat diagram.
6. Conceptual or construction drawings (size 11" x 17" or smaller) showing the appearance of the proposed construction. When fence construction is proposed, a photograph of the proposed fence style may be used.
7. Provide a copy of any covenants applicable to the property for all matters *except* variances and special permits pursuant to Section 8-22 ("Play equipment, fences, walls, trees, hedges and shrubbery"), Section 8-26 ("Driveways on private property"), and Chapter 8 Article IV ("Public Rights-of-Way"), or tree removals. To obtain a copy of covenants, contact your Title Insurance Co., look for Schedule B, and then look for the Liber & Folio number, which will show you where to find the covenants at the Montgomery County's Land Records Department:

Land Records Department of the Montgomery County Circuit Court --
Land Records Public Information Room , Judicial Center Bldg., 2nd floor
30 Maryland Ave., Rockville, MD 20850
Tele. 240-777-9477; Website: www.montgomerycountymd.gov

If there are no covenants on your property, provide a letter from an attorney or the title insurance carrier stating that there are no covenants.

8. Payment of fee: There is a fee to file an appeal of a decision by the Village Manager, or to apply for a special permit or variance. Fees are specified in Village Code Chapter 6. Checks should be made payable to Chevy Chase Village.

Time Requirements

1. Filing deadlines:
 - i) Building Permits: An appeal of a decision by the Village Manager arising from the granting or denial of a building permit must be filed within thirty (30) days after the issuance of the decision or notice of the action by the Village Manager.
 - ii) Tree Removal Permits: An applicant who is denied a tree removal permit by the Village Manager may appeal the Village Manager's decision to the Board of Managers in writing within ten (10) days of the denial of the application for the permit.
2. Board meeting deadline:

Applications for special permits, variances, and appeals of a decision of the Village Manager are normally heard at the regular Board of Managers meeting on the second Monday of each month. *In addition to the filing deadlines listed in #1 above, the Village office must receive a complete application/appeal, including all documents described in 'Filing Requirements' above, at least*

three weeks before the Board meeting at which the applicant/appellant wishes to be heard.

Incomplete application or appeal packets cannot be accepted and may delay consideration until the next Board of Managers meeting.

3. At a public hearing, the Board of Managers may give the applicant/appellant an indication of its decision. The Board's decision is not final, however, until the Board approves a written decision, which is usually accomplished at the next Board meeting following the initial hearing. Therefore, permits or orders approved pursuant to the Board's verbal decision cannot be issued by Village staff until the Board's *written decision* is approved by the Board.

Procedural Requirements

Voting Requirement:

Applicants should be aware that an affirmative vote of four (4) members of the Board is required to overrule any decision of the Village Manager or to approve any special permit or variance. At the hearing, any party may appear in person or by agent or by attorney. Applicants should become familiar with the pertinent section of the Village Building Code, including Sections 8-11 and 8-12.

Neighbor Notification:

Applicants are encouraged to inform affected neighbors of the planned project before submitting an application to identify any concerns or problems before the formal application/appeal process begins. Once an application for a special permit or variance has been filed, Village Code Sec. 8-12(b) requires that the Village Manager give written notice of the upcoming public hearing to the parties in interest and to abutting property owners at least ten (10) days prior to the meeting of the Board of Managers at which such application is to be heard.

Complete Applications Required:

The Village Office will accept the application or appeal only when it contains all pertinent information and is accompanied by the required filing fee.

All correspondence should be addressed to:

**Village Manager
Chevy Chase Village
5906 Connecticut Ave.
Chevy Chase, MD 20815**